



REGIONAL  
DISTRICT  
NORTH  
OKANAGAN

# PLANNING DEPARTMENT INFORMATION REPORT

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## REZONING APPLICATION

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<b>DATE:</b>	November 20, 2019
<b>FILE NO.:</b>	19-0906-C-RZ
<b>OWNER/APPLICANT:</b>	Dacron Enterprises Ltd. c/o Chris Bonnough
<b>LEGAL DESCRIPTION:</b>	Lot 1, Sec 25, Twp 8, ODYD, Plan 2558, Except Plan 37038 and Plan EPP74629
<b>P.I.D.#:</b>	004-701-518
<b>CIVIC ADDRESS:</b>	McLennan Road
<b>PROPERTY SIZE:</b>	17.18 ha (42.45 ac)
<b>SERVICING:</b>	On-site septic sewage disposal and domestic groundwater wells
<b>PRESENT ZONING:</b>	Non-Urban (N.U)
<b>PROPOSED ZONING:</b>	Country Residential (C.R)
<b>O.C.P. DESIGNATION:</b>	Country Residential
<b>PROPOSED USE:</b>	Eight (8) lot subdivision

### PLANNING DEPARTMENT RECOMMENDATION:

That Zoning Amendment Bylaw No. 2850, 2019 which proposes to rezone the property legally described as Lot 1, Sec 25, Twp 8, ODYD, Plan 2558, Except Plan 37038 and Plan EPP74629 and located at McLennan Road, Electoral Area "C", from Non-Urban (N.U) to Country Residential (C.R) be given First Reading; and further,

That Second Reading of Zoning Amendment Bylaw No. 2850, 2019 be withheld until the applicant has provided a water study which takes into consideration the potential to service the full build-out potential of the subject property (8 lots) in accordance with the provisions of the Regional District of North Okanagan Subdivision Servicing Bylaw No. 2600, 2013 and the impact the use of groundwater supplies could have on existing wells in the neighbourhood and the local aquifer; and further,

That Final Adoption of Zoning Amendment Bylaw No. 2850, 2019 be withheld until the applicant has made suitable arrangements with the Regional District of North Okanagan to provide an approximate 0.5 m to 1.0 m wide public hiking trail within a 6 m wide Statutory Right of Way that would link McLennan Road through the subject property to the existing Grey Canal Trail.

**SUMMARY:**

The subject application proposes to rezone an approximately 17 ha property located on McLennan Road from the Non-Urban (N.U) zone to the Country Residential (C.R) zone. If successful in rezoning the property, the applicant is proposing an eight (8) lot subdivision. The Planning Department recommends that the proposal be given favourable consideration as it represents a rural residential land use that is consistent with the OCP land use designation of the subject property and it complies with the relevant Policies of the Electoral Areas “B” and “C” Official Community Plan. Staff also recommend that Second Reading of Zoning Amendment Bylaw No. 2850, 2019 be withheld until the applicant submits a water supply study which takes into consideration the potential to service the full build-out potential of the subject property and the impact such groundwater usage could have on existing wells in the surrounding area and the aquifer.

The applicant has voluntarily offered to provide to the Regional District a 6 m wide statutory right of way for a public pathway that would provide pedestrian access from McLennan Road to the existing Grey Canal Trail which borders the westerly property boundary. Staff have recommended that, prior to consideration of Final Adoption of Zoning Amendment Bylaw No. 2850, arrangements be made between the applicant and the Regional District to define and secure the terms through an appropriate legal mechanism.

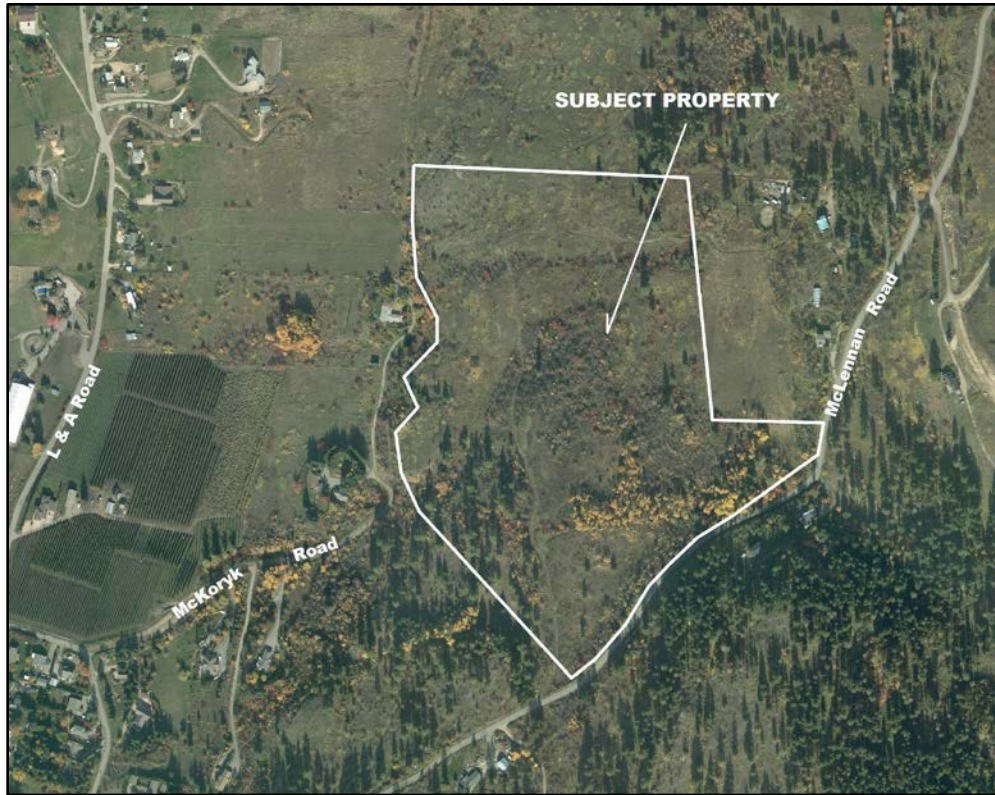
**BACKGROUND:**

Site Context

The subject property is located on the west side of McLennan Road approximately 1 km north of the intersection with L & A Road. The property is currently undeveloped and therefore has not been assigned a civic address. The property is bordered on the west side by the Grey Canal trail and is traversed from north to south by a BC Hydro right of way. The property is characterized by hillside terrain with intermittent knolls and benches and gentle to steep slopes extending upwards from west to east. The property is partially treed and partially open with areas of native shrubs and grass. RDNO’s mapping indicates the potential presence of two streams within the property. An unpaved private driveway provides access to the property from McLennan Road.

The subject property is designated Country Residential in the Electoral Areas “B” and “C” Official Community Plan, is zoned Non-Urban (N.U), and is not in the ALR. As shown on the attached Official Community Plan, Zoning, and ALR maps, the properties to the north, east and south are designated Country Residential. To the west, properties are designated Future Residential and Agricultural. The Agricultural designation corresponds to land within the Agricultural Land Reserve (ALR). Properties to the north and south are zoned Non-Urban (N.U) and Country Residential (C.R) while properties to the east and west are zoned Country Residential (C.R).

The following orthophoto of the subject and surrounding properties was taken in 2018.



Previous Development Applications

A portion of the parent parcel of the subject property was rezoned from Non-Urban (N.U) to Country Residential (C.R) in 2017 to facilitate a three (3) lot subdivision. As a condition of Second Reading of the Zoning Amendment Bylaw, (Bylaw No. 2727), the applicant was required to provide a water supply study which considered the potential to service the proposed subdivision and the impact it could have on the water supply in the area. A hydrogeologist's report was subsequently provided which concluded that sufficient groundwater supplies were likely to be present beneath the three proposed lots and that it was unlikely that groundwater use from the proposed lots would impact water supply of neighbouring wells.

At their January 4, 2017 Regular Meeting, the Board of Directors granted the Zoning Amendment Bylaw Second Reading and further resolved that Final Adoption not be considered until a covenant was registered on the title of the property stating that the property may not be subdivided until a professional hydrologist had verified that all wells proposed to service all new lots are proven to meet the quantity and quality standards of the Regional District's Subdivision Servicing Bylaw and that the extraction of water from the wells would not have a negative impact on the water supply of neighbouring wells. Such a covenant (Covenant No. CA5981869) was registered on the title of the parent parcel of the subject property on May 9, 2017 and Zoning Amendment Bylaw No. 2727 was adopted on June 7, 2017.

An application for subdivision, to create three 2 ha lots plus one remainder lot, was submitted to the Ministry of Transportation and Infrastructure on May 17, 2017. As the area subject of the subdivision included lands with High Conservation Ranking, an Environmentally Sensitive Lands Development Permit was required and covenants, to address protection of environmentally sensitive areas, were registered on the titles of the three new lots and the remainder lot (the subject property). The covenant (No. CA6966325) on the subject property identifies one building site and the balance of the property as a no-build / no-disturb area. In addition, given the presence of watercourses within the subject property, a covenant (No. CA6966331) was registered on the title of the subject property which specifies, in part, that any development within a riparian assessment area is subject to the provincial Riparian Areas Regulation (RAR).

### The Proposal

The applicant is proposing to rezone the subject property from the Non-Urban (N.U) zone to the Country Residential (C.R) zone. If successful, the property owner intends to apply to create an eight (8) lot subdivision generally as shown on the attached site plan. The subdivision is proposed to include seven 2.0 ha lots and one 2.5 ha lot with access provided by McLennan Road and a new 20 m wide road to be dedicated at the time of subdivision. The proposed new subdivision road would extend from its intersection with McLennan Road northwards 500+ m to the north property boundary of the subject property.

The applicant has offered to provide a Statutory Right of Way to the Regional District for a public path that would provide a pedestrian link from McLennan Road to the Grey Canal Trail located to the west.

The applicant proposes that water would be provided by individual drilled wells on each proposed lot. No additional information regarding the potential to use groundwater to service the proposed development has been provided at this time. The applicant is also proposing individual on-site sewage disposal systems for each lot.

### **PLANNING ANALYSIS:**

The Planning Department recommends that the proposal be given favourable consideration as it represents a rural residential land use that is consistent with the Electoral Areas "B" and "C" Official Community Plan land use designation of the subject property and complies with OCP Policies as follows:

- a) The applicant has submitted a site plan which shows how the property could be developed under the Country Residential (C.R) zone.
- b) The proposed lots would contain building sites that would not be subject to flooding, high water table or terrain instability.
- c) The proposed lots would not require excessive expenditures for community services such as roads, utility service and school busing, as such services already exist.
- d) Subject to confirmation by a Registered On-Site Wastewater Practitioner prior to issuance of any Building Permit for the proposed lots, it is anticipated that the size and topography of the proposed lots would allow for on-site septic sewerage disposal.

- e) At the time of subdivision, the applicant will be required to confirm that each new lot would have a building site and driveway access in compliance with the Zoning Bylaw. It is anticipated that the size and topography of the proposed lots would allow the development of driveways and building sites which comply with these requirements.
- f) The applicant's offer to provide a Statutory Right of Way for a local trail connection linking McLennan Road to the Grey Canal Trail is supported by Trails policies of the OCP.
- g) Prior to final subdivision approval, unless an exemption applies, a Development Permit will be required which assesses the impact of development activities on riparian areas and terrestrial environmentally sensitive areas.

The proposal has been reviewed against OCP Policies that suggest assurance about water supply should be provided with a rezoning application. In this regard, it is recommended that a hydrogeological assessment be provided to demonstrate that a water source would be available for the proposed development based on the Subdivision Servicing Bylaw No. 2600, 2013 standards for a private domestic well and to determine impacts, if any, of groundwater extraction to service the full build-out potential of the property, on existing wells in the neighbourhood and the local aquifer. Based on the ~17 ha size of the property and the 2.0 ha minimum lot size provisions of the Country Residential (C.R) zone, full build-out potential would be 8 lots.

Recognizing concerns with respect to the potential impacts new development may have on groundwater supplies in the BX area, staff have reviewed a Groundwater Resource Potential Assessment prepared by Watterson Geoscience Inc. dated December 1, 2016 which was prepared for a previous rezoning application involving the parent parcel of the subject property. The 2017 rezoning is described above under Previous Development Applications. As noted above, the hydrogeologist's report concluded that sufficient groundwater supplies were likely to be present beneath the three proposed lots and that it was unlikely that groundwater use from the proposed lots would impact water supply of neighbouring wells.

A second hydrogeologist's report was prepared for the same development as a condition of the 2017 subdivision application which followed approval of the rezoning. The subdivision application proposed to create three 2 ha lots plus one remainder lot. The second report, also prepared by Watterson Geoscience Inc., reported on water quality as well as the construction and production capacity of three wells which were drilled to service the three proposed lots. Wells were drilled to a depth of 460 ft, 180 ft, and 160 ft and the driller's logs indicate estimated production rates of 6 US gpm, 5 US gpm, and 9 US gpm respectively. These results satisfy the proof of water quantity requirements of the Subdivision Servicing Bylaw. Water quality tests indicated elevated levels of iron and manganese which would be treatable with standard water treatment methods. Whereas the hydrogeological studies provided favourable results for the three lot subdivision completed in 2018, the studies did not address the remainder lot (the current subject property).

With respect to environmentally sensitive areas, the Official Community Plan identifies the majority of the subject property as having a High Conservation Ranking while the westerly edge of the property is identified as having a Very High Conservation Ranking. Development Permit guidelines suggest that subdivisions should be designed to protect environmentally sensitive areas and wildlife habitat and a report by a Qualified Environmental Professional may be required. The Development Permit process is intended to address protection of riparian and terrestrial environmentally sensitive areas. The property is not designated as a Wildfire Interface Development Permit Area.

With respect to parks and trails, the Official Community Plan includes policies which support the development of local trails to enhance connectivity between existing and future parks and to other trails. With respect to the applicant's proposed subdivision, as each proposed lot would be a minimum of 2 hectares in size, a requirement to dedicate land, or to provide payment in lieu of land, for park purposes would not be triggered by *Local Government Act* Section 510 (provision of park land or payment for parks purposes). The applicant, however, has voluntarily offered to provide a 6 m wide Statutory Right of Way for a public path to provide a pedestrian connection from McLennan Road to the Grey Canal Trail.

**ALTERNATE RECOMMENDATION:**

In the event that the Board of Directors deems that further consideration should be given to the use of groundwater to service the proposed eight (8) lot subdivision, the following alternate recommendation is provided for the consideration of the Board:

That Zoning Amendment Bylaw No. 2850, 2019 which proposes to rezone the property legally described as Lot 1, Sec 25, Twp 8, ODYD, Plan 2558, Except Plan 37038 and Plan EPP74629 and located at McLennan Road, Electoral Area "C", from Non-Urban (N.U) to Country Residential (C.R) to permit be given First Reading; and

That Second Reading of Zoning Amendment Bylaw No. 2850 be withheld until the RDNO undertakes and completes the Keddeleston Groundwater Study and the study has confirmed the adequacy of water supply for the level of potential development in the study area; and further

That Final Adoption of Zoning Amendment Bylaw No. 2850, 2019 be withheld until the applicant has made suitable arrangements with the Regional District of North Okanagan to provide an approximate 0.5 m to 1.0 m wide public hiking trail within a 6 m wide Statutory Right of Way that would link McLennan Road through the subject property to the existing Grey Canal Trail.

**ZONING BYLAW:**

Permitted Uses and Minimum Lot Area for Subdivision

The property is proposed to be rezoned from the Non-Urban (N.U) zone to the Country Residential (C.R) zone. Uses permitted in the C.R zone include ancillary single family dwellings, bed and breakfast use, boarding house use, community care facilities, home occupation use, limited agricultural use, limited resource use, manufactured homes, public parks and playgrounds, single family dwellings, two family dwellings, veterinary clinics, wineries and cideries, secondary suites, detached suites, and medical marihuana production facilities. The minimum lot size standard of the C.R and N.U zones are 2.0 ha and 7.2 ha respectively.

Number of Dwellings Per Lot

For properties that are not in the ALR, the maximum number of dwellings permitted on 2.0 ha parcels in the C.R zone is one single family dwelling which may contain a secondary suite, or one manufactured home, or one two-family dwelling. One ancillary single family dwelling or one detached suite is also permitted provided it is ancillary to a single family dwelling which does not contain a secondary suite.

Section 310 - Building Site and Driveways

All lots created within the Country Residential (C.R) zone must contain a contiguous area of land 2,000 m<sup>2</sup> or larger in size to serve as a suitable building site. Building sites must be less than 30% natural slope and be accessible from a public highway in accordance with the following private access driveway design standards:

- Commencing at the edge of the finished road surface, private access driveways must be as close to right angles as practicable to the finished road surface for a minimum distance of 6 m, and have a minimum width of 5.5 m for the distance specified above and 4 m minimum width thereafter, and have a maximum slope of 2% from the ditch line for a minimum distance of 10 m and a maximum slope of 15% thereafter.

**OFFICIAL COMMUNITY PLAN:**

The Electoral Areas “B” and “C” Official Community Plan designates the land use of the subject property as Country Residential. The following OCP Policies are applicable to the application:

Rural Lands Policies

- 5.1.4 Developers on Rural Lands will be encouraged to consult with the Ministry of Forests Lands and Natural Resource Operations with regard to subdivision design, layout of roads, selection of building sites and the clearing of trees with regard to protection of the proposed development from wildfire hazard.
- 5.1.5 Because of the importance of water supplies for new development and the uncertainty about water supply for some Rural Lands, assurance about water supply should be provided with a rezoning application or an application to amend this Plan and as appropriate, hydrogeological studies should be undertaken to determine impacts, if any, on existing wells in the neighbourhood and the local aquifer.
- 5.1.6 Some lands in this Official Community Plan area are designated as *Country Residential*; however, this designation does not ensure that the land would be rezoned as *Country Residential* and the following information and considerations are necessary to guide a review of any rezoning application which may or may not be approved:
- a. maps should be submitted showing how the rezoning area can develop into the *Country Residential* standard including the location of any new streets, environmental protection measures, lot layouts and any community amenities;
  - b. the area should not be subject to flooding, high water table or terrain instability;
  - c. the development of the area should not require excessive expenditures for community services such as roads, utility services and school busing;
  - d. the terrain should be suitable for development whereby each new lot would have a building site and driveway access in compliance with the “*Zoning Bylaw*”;
  - e. each new lot shall have an area that is adequate for on-site sewage disposal with a reserve site for on-site sewage;
  - f. information should be provided to show how development can be supplied with an adequate water supply as outlined in Policy 5.1.5 of this Plan;

- g. sensitive environmental attributes should not be negatively impacted by a higher density of land use and in this regard, the Regional District may request that an environmental impact analysis be undertaken;
- h. other submissions other than those cited herein may be necessary in order to adequately evaluate an application; and
- i. notwithstanding these specific considerations, the Regional District will be guided by community goals and objectives cited in this Plan and other policies in this Plan as may be appropriate in the consideration of any application.

### Natural Area Policies

- 11.2.1 Land within the Environmentally Sensitive Land, Development Permit Areas as designated on Schedule 'C' shall not be altered or developed, or subdivision approval granted, unless a Development Permit is issued in accordance with the guidelines in this plan.
- 11.2.3 All development within the Regional District shall be undertaken in compliance with the provincial *Riparian Areas Regulation*.
- 11.2.6 Encourage the voluntary protection of natural features.
- 11.2.7 Encourage the protection, preservation, enhancement and management of sensitive ecosystems or land contiguous to sensitive ecosystems of private lands through the following methods:
  - a. Donation of areas to the Regional District or provincial government;
  - b. Donation of areas to a Land Trust or conservation organization;
  - c. Creation of conservation covenants in favour of municipal, provincial government, private conservation organizations;
  - d. Establishment of statutory right of ways under the *Land Title Act* for affected areas;
  - e. Establishment of long-term leases for sensitive areas;
  - f. Land stewardship and participation in conservation initiatives by the private landowner;
  - g. Consideration of alternative development standards, such as clustering.

### Trails Policies

- 12.1.12 The Regional District recognizes the need to develop local trails within Electoral Areas "B" & "C" to enhance the connectivity between Sub-Regional trails, any future Sub-Regional parks and local park space. Relevant trails are outlined in the Ribbons of Green Trails Plan 2013-2033 (Schedule G) with the exception of a trail linkage which should be considered between the Foothills Neighbourhood and Cools Pond.
- 12.1.13 The Regional District recognizes the need to develop priorities and an implementation strategy for the acquisition and development of new trails in the Electoral Areas; however, it is also recognized that when opportunities arise for the acquisition of a new trail segment as identified in the "Ribbons of Green Trail Plan 2013-2033" then prompt action is often necessary despite the priorities in the implementation strategy.



Transportation Policies

- 15.1.5 Where the Regional District is involved in planning for future roads and subdivisions or plans for improvements to existing roads, consideration will be given to the needs of public transit, school buses, pedestrian walkways and bicycle routes.
- 15.1.7 The Regional District requests the Ministry of Transportation and Infrastructure (MoTI) approving officer consider the needs of pedestrians and cyclists when approving subdivisions, the creation of new roads or upgrading existing roads. New road designs should accommodate for alternative transportation options with the addition of wider shoulders for pedestrian travel or a wider paved travel surface that can become a designated bicycle route.
- 15.1.8 The Regional District requests the Ministry of Transportation and Infrastructure approving officer participate in the acquisition and or dedication of linear trail corridors as outlined in Schedule G of this plan during subdivision approvals and or the creation of new roads and upgrading of existing roads.

Environmentally Sensitive Lands Development Permit Area

The subject property will require an Environmentally Sensitive Lands Development Permit at the time of subdivision as the property falls within areas of High and Very High Conservation Ranking as identified on map Schedule 'C' of the Official Community Plan. The primary objective of the Environmentally Sensitive Lands Development Permit Area designation is to regulate development activities in areas of High and Very High conservation value to protect rare and fragile terrestrial ecosystems and habitat for endangered species or native rare vegetation or wildlife.

Riparian and Swan Lake Development Permit Area

The Regional District considers that all watercourses are within the Riparian and Swan Lake Development Permit Area. Given the presence of watercourses within the subject property, a Riparian and Swan Lake Development Permit will be required at the time of subdivision unless an exemption applies. The primary objective of the Riparian and Swan Lake Development Permit designation is to regulate development activities in watercourses and their riparian areas in order to preserve natural features, functions and conditions that support natural processes.

**ELECTORAL AREAS 'B' AND 'C' PARKS MASTER PLAN:**

At the July 17, 2019 Regular Meeting of the Board of Directors, the Board resolved to endorse the Electoral Areas B and C Parks Master Plan and further that staff be directed to prepare an amendment to the Electoral Areas "B" and "C" Official Community Plan. The Parks Master Plan shows a "Proposed Local Trail" along McLennan Road adjacent to the subject property. The Plan states:

*There are 50 km of trails proposed along existing roads within Electoral Areas B and C (see Figure 3.2). If constructed, these trails will provide connections to existing sub-regional trails and additional opportunities for safe cycling routes. (Parks Master Plan, p. 53)*

A trail along McLennan Road is identified as Long Term Priority, targeted to be achieved in the period of 2034 – 2039 beyond. (Parks Master Plan, p. 63)

**SUBDIVISION SERVICING BYLAW:**

Section 406 of the Subdivision Servicing Bylaws provides that where connection to a community water system is not required and a drilled well is proposed as a source of potable water for a parcel created by subdivision in all Electoral Areas, proof of water must be provided through the submission of a well yield test which demonstrates a yield of at least 14 Litres per Minute (3.0 Imperial Gallons per Minute).

A pumping test must be carried out when a well yield test reports less than 14 Litres per Minute (3.0 Imperial Gallons per Minute or 3.7 US Gallons per Minute). A pumping test must be conducted by a Qualified Well Driller or a Qualified Well Pump Installer or a person working under the direct supervision of a Qualified Well Driller, a Qualified Well Pump Installer or a Qualified Professional. A hydrogeological report must be prepared by the Qualified Professional and submitted to the Regional District. Pumping tests of all drilled wells shall be conducted during the dry months of the year, defined as the period between August 1 and March 1, or at another time of year as confirmed in writing by the Qualified Professional in order to determine the year-round capacity of the well.

In Electoral Areas "B", "C", and "F", when a pumping test is required, the report must demonstrate that the drilled well can provide at least 6,550 litres of water per day (1.0 Imperial Gallon per Minute) per parcel. The report must demonstrate that the use of the well will not negatively impact the use of neighbouring wells.

**REFERRAL COMMENTS:**

The application was referred for comments to the following:

**1. BC Hydro**

BC Hydro has no objection in principle to the proposal, however prior to the proposed subdivision of the property, BC Hydro has the following comments for the owner:

Transmission:

- 1) As you know, BC Hydro has a transmission line right of way registered on the property as shown on Plan A1748. Development of the property must be guided by the terms of the right of way agreement.
- 2) BC Hydro must be able to make full use of the right of way area for present and future works including operation, maintenance and replacement of existing lines and construction of new lines. Any proposed use of the property must not limit BC Hydro's existing and future use of the right of way area for transmission purposes.
- 3) BC Hydro will require a registered agreement specifically granting access over the portions of its access route that do not fall within the surveyed Plan A1748. This appears to only potentially affect proposed Lots 2, 3, 4, 6 and 7 and we can discuss further details with the owner; i.e. the areas affected, concurrent registration, etc. BC Hydro's personnel must be able to access the right of way area at all times. The following are not permitted within the surveyed right of way area unless expressly authorized in writing by BC Hydro: log decking; blasting; burning; deposit of any fill material; buildings or portions of buildings, including foundations and eaves; stock piling of excavated, building or other material; storage or handling of flammable or explosive material; fueling of vehicles and equipment; parking of vehicles.

- 4) Landscaping within the right of way area is restricted to low-growing trees, shrubs and plants not exceeding 3.0 meters in height at maturity. BC Hydro (including its agents and contractors) shall have the right to remove any tall-growing trees, shrubs and plants from underneath and adjacent to BC Hydro's powerlines for line security and safety purposes from time to time.
- 5) There must not be any changes in ground elevations of more than 0.5 metres from the original grade of the right of way area without the prior written consent of BC Hydro. In addition, there shall be no deterioration of drainage patterns or soil stability within the right of way area.
- 6) No building encroachments are permitted within the right of way area.
- 7) Separate written approval must be obtained from this office for any intended use or development in the right of way area before construction takes place; for example driveways, septic fields, underground services, etc. Applications may be submitted directly to this office.
- 8) It is preferred that any habitable buildings be constructed on the East side of the transmission right of way (between the "proposed road" and the transmission right of way). Any potential crossing of the right of way area with driveways, distribution services or other utilities must first be reviewed and approved by BC Hydro.
- 9) Attached please find BC Hydro's compatible use guidelines for reference.
- 10) The final version of the subdivision plan with road dedication will require BC Hydro's signature before registration, which may be submitted to this office. BC Hydro reserves further comments following a review of the final subdivision plan when submitted.

Distribution:

BC Hydro distribution has no concerns or objections to this proposed subdivision as our infrastructure is unaffected. However, once development of the site is underway BC Hydro site servicing to the proposed development would be by design at the time of the servicing application to BC Hydro from the developer and subject to the BC Hydro extension policy in effect at the time of application.

**2. Utilities Department**

Outside of GVW service area boundary.

**3. Ministry of Environment / Ministry of Forests, Lands, Natural Resource Operations and Rural Development**

The Ecosystems Section of the Ministry of Forests, Lands, Natural Resource Operations and Rural Development provides the following response to the above noted referral.

Under the Riparian Areas Regulation (RAR) (and its update, the Riparian Areas Protection Regulation (RAPR) which came into force November 1, 2019), it is not permitted to create lots that will force development into the SPEA. If there is any danger of this being the case with subdivision as proposed, we recommend requiring preliminary RAR calculations to show the RAR-defined SPEAs (streamside protection and enhancement areas) for the two streams traversing the property before approving the rezoning request. The proponent should be able to demonstrate that there are suitable building sites outside the SPEAs in each new lot if subdivided as proposed. Furthermore, we recommend that subsequent development of individual lots be contingent upon an environmental assessment if the total area of disturbance will be greater than 0.5 ha.

**4. Community Services Department**

From an Electoral Area B & C Parks development prospective, we support the proposed connection to the Grey Canal Trail on the south end of development. This would take people off the roadway and allow access to the Grey Canal Trail without needing to walk the full length of the road to the access point near Grey Canal Road. Development as mentioned would provide benefit the both the development of the area and the community. As approved in the Electoral Area B & C Parks Masterplan, a development of this kind would be supported.

**5. Ministry of Transportation and Infrastructure**

**6. Building Inspection Department**

**7. BX – Swan Lake Fire Department**

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Submitted by:



Marnie Skobalski, RPP, MCIP  
Planner II

Reviewed by:



Greg Routley  
Deputy Planning Manager

Endorsed by:



Rob Smailes, RPP, MCIP  
General Manager, Planning and Building

Approved for Inclusion:

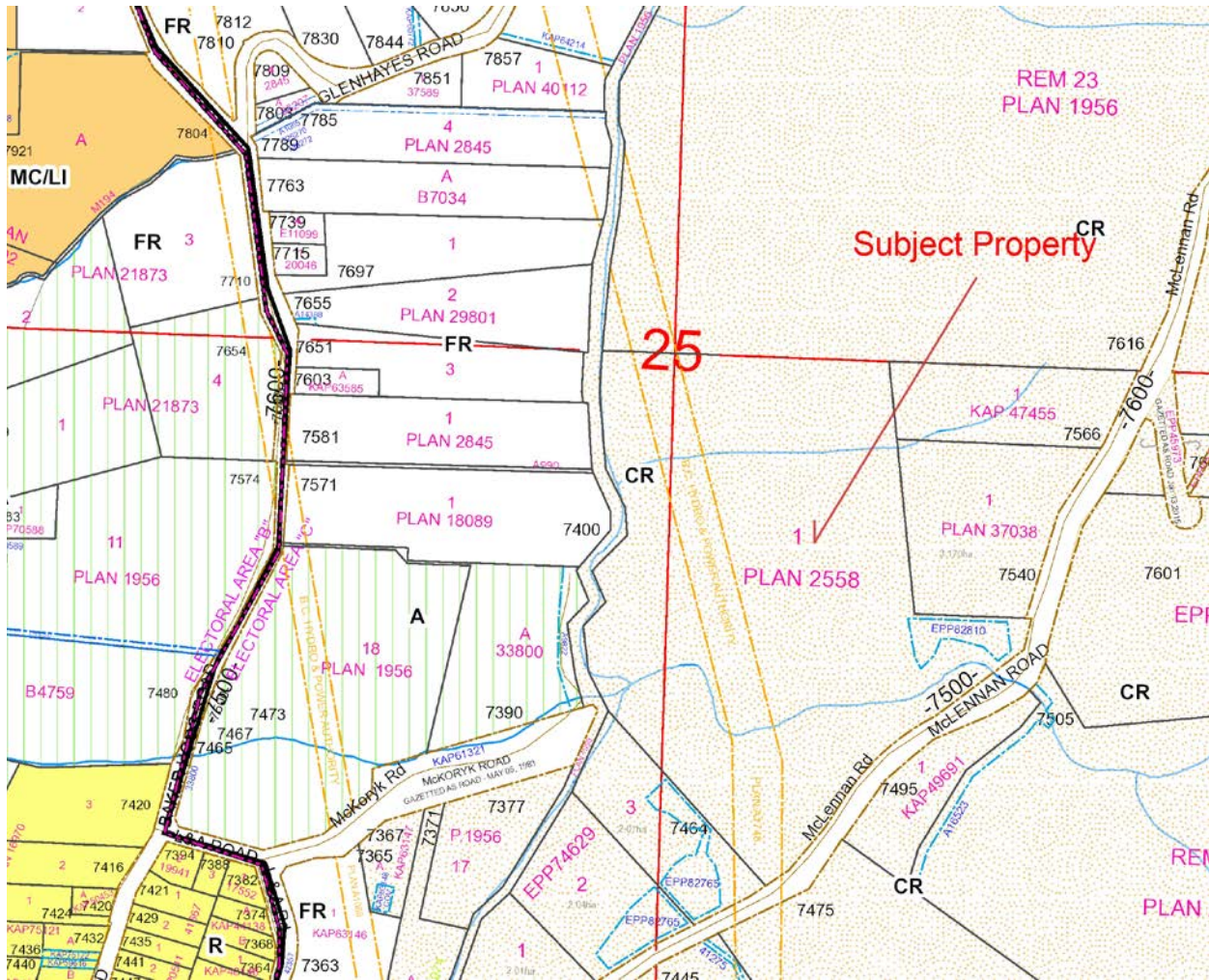


David Sewell  
Chief Administrative Officer



# SUBJECT PROPERTY MAP OCP BOUNDARIES

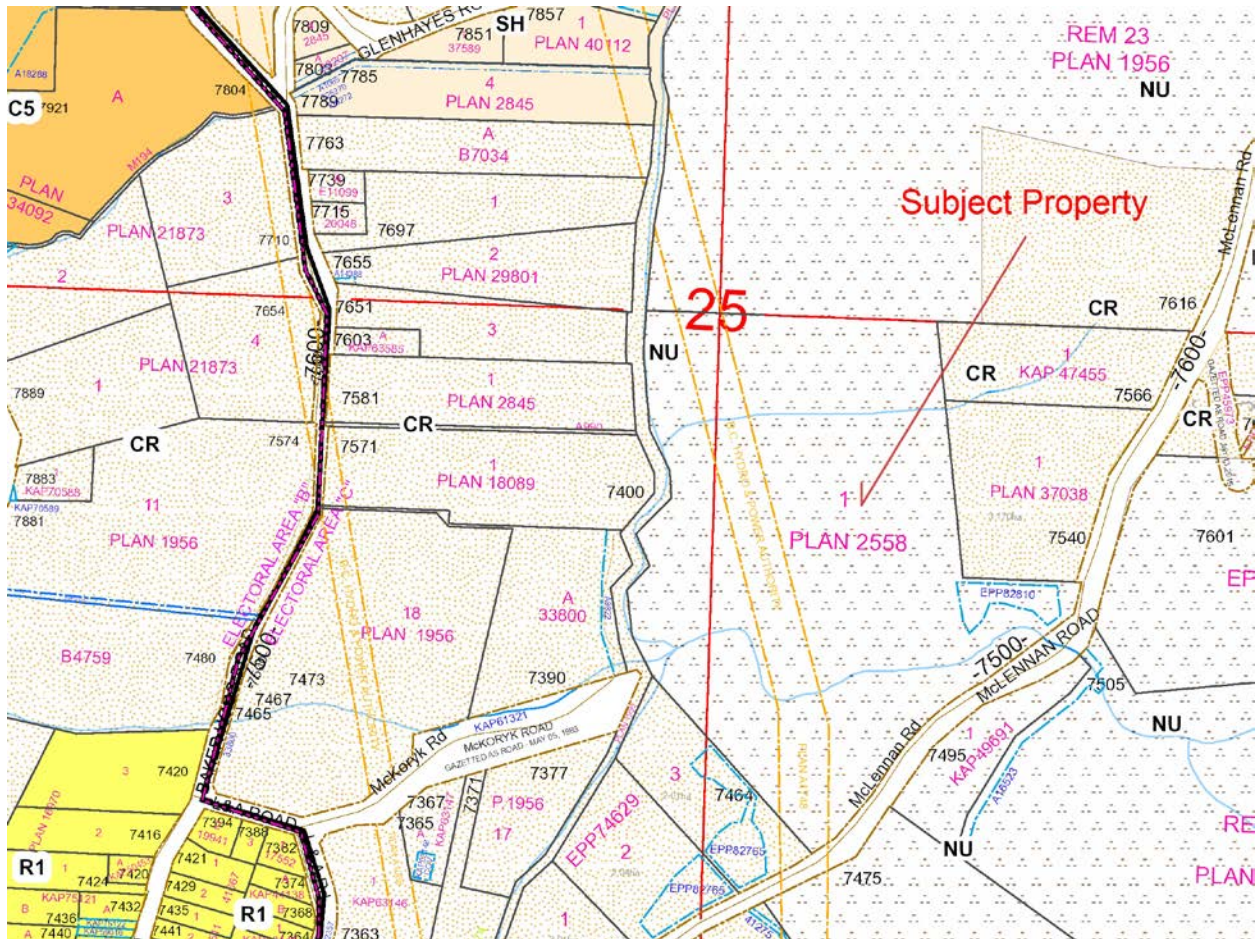
**File:** 19-0906-C-RZ  
**Owner/Applicant:** Dacron Enterprises c/o Chris Bonnough  
**Location:** McLennan Road



A – Agricultural  
 CR – Country Residential  
 FR – Future Residential  
 MC/LI – Mixed Commercial / Light Industrial  
 R - Residential

# SUBJECT PROPERTY MAP ZONING BOUNDARIES

File: 19-0906-C-RZ  
 Owner/Applicant: Dacron Enterprises c/o Chris Bonnough  
 Location: McLennan Road



- C.5 – Recreation Commercial
- C.R – Country Residential
- N.U – Non-Urban
- R.1 – Residential Single Family
- S.H – Small Holding







# REGIONAL DISTRICT OF NORTH OKANAGAN

## BYLAW No. 2850

A bylaw to rezone lands and amend the Zoning Map attached to the Regional District of North Okanagan Zoning Bylaw No. 1888, 2003 to change a zone designation

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**WHEREAS** pursuant to Section 479 [Zoning bylaws] of the *Local Government Act*, the Board of the Regional District of North Okanagan may, by Bylaw, divide the whole or part of the Regional District into zones, name each zone, establish boundaries for the zones and regulate uses within those zones;

**AND WHEREAS** the Board has created zones, named each zone, established boundaries for these zones and regulated uses within those zones by Bylaw No. 1888, being the “*Regional District of North Okanagan Zoning Bylaw No. 1888, 2003*” as amended;

**AND WHEREAS**, pursuant to Section 460 [*Development approval procedures*] of the *Local Government Act*, the Board must, by bylaw, define procedures under which an owner of land may apply for an amendment to a Zoning Bylaw and must consider every application for an amendment to the bylaw;

**AND WHEREAS** the Board has enacted the “*Regional District of North Okanagan Development Application Procedures and Administrative Fees Bylaw No. 2677, 2018*” as amended to establish procedures to amend an Official Community Plan, a Zoning Bylaw, or a Rural Land Use Bylaw, or to issue a Permit:

**AND WHEREAS** the Board has received an application to rezone property;

**NOW THEREFORE**, the Board of the Regional District of North Okanagan in open meeting assembled, hereby **ENACTS AS FOLLOWS**:

### CITATION

1. This Bylaw may be cited as “**Zoning Amendment Bylaw No. 2850, 2019**”.

### AMENDMENTS

2. The zoning of the property legally described as Lot 1, Sec 25, Twp 8, ODYD, Plan 2558, Except Plan 37038 and Plan EPP74629 and located at McLennan Road, Electoral Area “C” is hereby changed on Schedule “A” of the *Regional District of North Okanagan Zoning Bylaw No. 1888, 2003* from the **Non-Urban Zone [N.U]** to the **Country Residential Zone [C.R]**.

<b>Read a First Time</b>	this	day of	, 2019
<b>Read a Second Time</b>	this	day of	, 2019
Advertised on	this	day of	, 2019
	this	day of	, 2019
Public Hearing held	this	day of	, 2019
<b>Read a Third Time</b>	this	day of	, 2019

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**ADOPTED**

this

day of

, 2019

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Chair

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Corporate Officer